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at CHAPEL HILL

THE CENTER FOR CIVIL RIGHTS

November 5, 2012

R. Javoyne Hicks White  
Chief of Staff, EPA Region 4  
Atlanta Federal Center  
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Atlanta, GA 30303-8960

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RE: Rogers-Eubanks Neighborhood Association Title VI Complaint (EPA File No. 13R-07-R4)

Dear Ms. Hicks White:

Thank you and Administrator Gwendolyn Keyes Fleming for attending the NC Environmental Justice Network (NC EJN) Summit on October 20, 2012, in Whitakers, North Carolina. The Rogers-Eubanks Neighborhood Association (RENA) is an active member of the NC EJN. The UNC Center for Civil Rights represents RENA.

During the question period following Ms. Fleming's keynote speech, the Reverend Robert Campbell, president of RENA, asked Ms. Fleming about RENA's pending Title VI complaint with the EPA, filed over five years ago. He explained that despite repeated requests by RENA and its counsel, EPA investigators assigned to the complaint have never visited the community. He also noted that the EPA has dismissed necessary defendants to the complaint.

Ms. Fleming invited Rev. Campbell to send her information so that the Regional Office may review the situation. To that end, please find enclosed documents relating to the complaint, which was initially filed with the U.S. Department of Justice on July 3, 2007, and referred to the EPA Office of Civil Rights on October 4, 2007. We have been working with investigators Daniel Isales and Anthony Napoli. Our last contact with them was in April 2012, when we sent them additional requested documentation.

There are two major obstacles to a just resolution of this complaint:

**Jurisdiction:** Rev. Campbell filed the complaint against Orange County and several of its constituent departments, the Town of Chapel Hill, the Town of Carrboro, the Orange Water and Sewer Authority (OWASA), the North Carolina Department of the Environment and Natural Resources, and the Town of Hillsborough. On November 23, 2009, two years after receiving the complaint, the EPA accepted the complaint only with respect to OWASA's discrimination against elderly, disabled, and African American residents in the provision of water and sewer services.

Since then, we have sought to have Orange County, Chapel Hill, and Carrboro included in the investigation because of their joint and essential role in securing federal funding for these services, and because these entities jointly created and control OWASA. We have made repeated requests to include these entities, specifically in correspondence with Mr. Napoli on May 9, 2010, and April 18, 2011. In a letter dated September 7, 2011, Director DeLeon denied the request to amend the complaint to include Chapel Hill and Carrboro. The letter was silent with respect to Orange County.

As Rev. Campbell again noted at the NC EJP summit, inclusion of both towns and the county in this investigation is crucial because of their relationship with OWASA, and more importantly because of the continual finger pointing and buck passing that has been used to deny justice to Rogers Road for four decades.

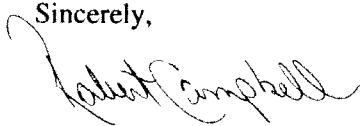
The Rogers Road community lies within Orange County and is divided between Carrboro and Chapel Hill's extra-territorial jurisdiction. It is subject to a long-standing planning agreement between the three entities, all of which use and have at various times owned and operated the landfill and solid waste facilities that have adversely impacted the ground water quality in the community and that makes municipal water and sewer so imperative. These three governments created OWASA in 1977 and continue to appoint its board. Various committees that include representatives of all three entities have repeatedly acknowledged the need for water and sewer, beginning with the Landfill Owners Group in 1986 and continuing today with the current Rogers Road Mitigation Task Force. However, Orange County, Chapel Hill, and Carrboro continue to deny individual responsibility and refuse to provide necessary funding for water and sewer for the neighborhood. Meanwhile, all three have applied for and received federal funding for other infrastructure or environmental uses.

By excluding Chapel Hill and Carrboro from this investigation, and without formally including the county, we believe it will be impossible for the EPA to conduct a full investigation into the discriminatory denial of services. Focusing only on OWASA allows the governments to continue their pattern of shifting or denying responsibility at the community's expense.


**On-site Investigation:** Mr. Isales and Mr. Napoli have thus far investigated the complaint remotely, and Mr. Elvie Barlow has visited the Rogers Road neighborhood and community center once. Although we appreciate Mr. Barlow's visit and we realize that resources are scarce, we believe the EPA cannot truly understand or analyze the unique circumstances surrounding the complaint without a more thorough on-site investigation and in-person interviews. Many local governing officials and representatives have failed to visit the community, speak directly with residents, or investigate the situation on the ground. As a result, they frequently base their decisions on inaccurate, outdated, or misleading information regarding fundamental issues like which parcels already are or could be connected to public water or sewer. A site visit would greatly assist the investigators' understanding of the case and of the acute issues confronting the community.

We would greatly appreciate the Regional Administrator's review of the file, as well as consideration of an on-site investigation. Please do not hesitate to contact us with questions.

Sincerely,



Rev. Robert Campbell  
President, Rogers-Eubanks Neighborhood Association  
Co-Chair, Coalition to End Environmental Racism  
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Enclosures  
CC: Elvie Barlow



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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ATLANTA, GEORGIA 30303-8960  
**JAN 11 2010**

Minister Robert L. Campbell  
P.O. Box 16901  
Chapel Hill, North Carolina 27516

Dear Minister Campbell:

Thank you for your October 16, 2009, letter and November 6, 2009, email on behalf of the Rogers-Eubanks Neighborhood Association regarding its concerns about contamination of drinking and surface waters. In addition to sharing recent findings regarding quality of drinking and surface water supplies, you requested an update from the U.S. Environmental Protection Agency (EPA) Region 4 concerning our efforts to address your previous Title VI administrative complaint and assistance in identifying funding sources

As you know, under Administrator Lisa Jackson's leadership, we are working to ensure that communities have the information they need and a meaningful voice in decisions about the environment that impact the community. For Region 4, this means integrating environmental justice and community involvement into our regional programs, policies, and activities and achieving measurable benefits to the environment and public health for our citizens. EPA Region 4 recognizes the burden that pollution places on vulnerable populations, including children, the elderly, the poor, and communities of color. Our goal is for all Americans, regardless of race, color, national origin or income, to benefit from clean, healthy, livable communities.

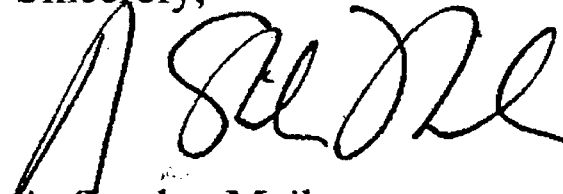
On November 23, 2009, Mr. Fred McManus, Chief of our Groundwater and Safe Drinking Water Enforcement Section, had a telephone conversation with your associate, Mr. David Caldwell. It is my understanding that Mr. Caldwell will be submitting to EPA available water quality data and other pertinent information. We will review that information and will discuss with you any appropriate federal environmental authorities that would be available to address the situation (i.e., whether the information shows any violations of federal law and if so, possible responses to the violations). We are committed to working with you and the appropriate state and local government agencies to address your concerns.

We also understand that you have filed a Title VI complaint concerning the proposed location of a regional solid waste transfer station in your community. EPA's Office of Civil Rights has primary responsibility for implementation of Title VI, including the investigation of complaints that are submitted. We understand that you will soon be receiving a response from EPA's Office of Civil Rights regarding your complaint. The EPA Headquarters contact is Ms. Helena Wooden-Aguilar, Acting

Assistant Director, External Compliance Program, EPA Office of Civil Rights. She can be reached at (202) 343-9681 or via email at [wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov).

It was a pleasure meeting you at the recent North Carolina Environmental Justice Summit. To assist you with engaging the appropriate parties as you may find helpful in addressing your concerns, I have asked Ms. Cynthia Peurifoy, Regional Environmental Justice Coordinator, to work with you and North Carolina Department of Environment and Natural Resource's Environmental Justice Contact, Ms. Amy Simes, to schedule a time when you can meet face to face with appropriate parties to discuss your concerns and to create a path forward towards resolving your concerns. You can contact Cynthia Peurifoy at (404) 562-9649 or via email at [peurifoy.cynthia@epa.gov](mailto:peurifoy.cynthia@epa.gov). You can reach Amy Simes at (919) 715-4151 or via email at [amy.simes@ncmail.net](mailto:amy.simes@ncmail.net). Fred McManus may be contacted at (404) 562-9385 or via email at [mcmanus.fred@epa.gov](mailto:mcmanus.fred@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Stanley Meiburg', written over a horizontal line.

A. Stanley Meiburg  
Acting Regional Administrator

cc: Cynthia Peurifoy, EPA, Region 4  
Amy Simes, NCDENR  
Yasmin Yorker, EPA, Office of Civil Rights  
Patrick Sungwook Chang, Senior Counsel for External Civil Rights  
Dee Freeman, Secretary, NCDENR  
Helena Wooden-Aguilar, EPA